



Sen. Iris Y. Martinez

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09500HB4879sam003

LRB095 12804 RLC 51545 a

1 AMENDMENT TO HOUSE BILL 4879

2 AMENDMENT NO. _____. Amend House Bill 4879, AS AMENDED, in
3 paragraph (1) of subsection (b) of Sec. 11-20.3 of Section 5,
4 by inserting after "pornography" the following:
5 "under paragraphs (1) through (7) of subsection (a) of this
6 Section"; and

7 in paragraph (1) of subsection (b) of Sec. 11-20.3 of Section
8 5, by inserting after "prosecution under" the following:
9 "paragraphs (1) through (7) of subsection (a) of"; and

10 after the last line of paragraph (1) of subsection (b) of Sec.
11 11-20.3 of Section 5, by inserting the following:

12 "(1.5) It shall be an affirmative defense to a charge of
13 aggravated child pornography under paragraph (8) or (9) of
14 subsection (a) of this Section that the defendant reasonably
15 believed, under all of the circumstances, that the child was 18
16 years of age or older or that the person was not a severely or

1 profoundly mentally retarded person but only where, prior to
2 the act or acts giving rise to a prosecution under paragraph
3 (8) or (9) of subsection (a) of this Section, he or she took
4 some affirmative action or made a bonafide inquiry designed to
5 ascertain whether the child was 18 years of age or older or
6 that the person was not a severely or profoundly mentally
7 retarded person and his reliance upon the information so
8 obtained was clearly reasonable."